



THE SECRETARY OF THE NAVY
WASHINGTON DC 20350-1000

Jul 20

From: Secretary of the Navy
To: Commander Liam M. Bruen, USN (Retired)

Subj: SECRETARIAL LETTER OF CENSURE

Ref: (a) NAVINSGEN Military Whistleblower Reprisal Report of Investigation (ROI), Navy Hotline Complaint 201001894, of 27 Oct 10
(b) NAVINSGEN ROI, Navy Hotline Complaint 201001885, of 10 Mar 11
(c) Your memo of 13 Apr 11
(d) Manual of the Judge Advocate General, JAGMAN Sec. 0114

1. References (a) and (b) substantiate that, while serving as Commanding Officer (CO), Strike Fighter Squadron (VFA) 136, you failed to halt and consequently condoned the hazing of subordinate officers during a call sign review board (CSRB), you improperly permitted sexual harassment in the form of a hostile working environment within VFA-136, and you issued an unfavorable fitness report as reprisal for protected communications made by a complainant to the Inspector General. I have considered the response to these findings that you provide in reference (c).

2. As CO of VFA-136 you were given a position of special trust and responsibility. During the CSRB of 17 August 2009, you failed to exercise appropriate leadership and demonstrated a profound lack of judgment.

a. Commander, U.S. Fleet Forces Command frames your responsibility in a clear and succinct manner:

(1) "Although I find the Commanding Officer's 20 August 2009 response to the unacceptable callsign review board positive, I expect Commanding Officers to recognize the inappropriateness of a situation as it unfolds and forcefully inject their leadership in real-time, not after the fact." Reference (b), page F-1.

b. Your own statement to the Naval Inspector General (NAVINSGEN) reflects a similar understanding:

(1) "When you see inappropriate behavior from a squadron member, it's your duty to make every reasonable effort to stop

Subj: SECRETARIAL LETTER OF CENSURE

it before it develops into something greater, any criminal or something that I need to start taking people to Mast for. That's what...officers do; they interject themselves, they're proactive and they are leaders. When they see people making mistakes, it's their responsibility to interject themselves to stop the incident from happening." Reference (a), page 24.

c. You failed to act in accord with the very principle you espoused. You recognized some of the proposed callsigns as being inappropriate; many were, in fact, grossly offensive. Rather than terminate the CSRB and immediately address the issue, you allowed the board to continue, actually participated in the proceeding by voting on callsigns, and did not again address the issue with the wardroom until after a complaint had been received. The remaining allegations substantiated by the NAVINSGEN flow directly from your failure to act during the meeting of 17 August 2009.

3. Your abrogation of command responsibility constitutes a significant deviation from the standards expected of all naval officers, particularly those in placed in command. Accordingly, you are hereby censured for your leadership failure. A copy of this letter will be placed in your official service record in accordance with reference (d).

4. Within 15 days of receipt of this letter, you may forward a rebuttal, consistent with reference (d), for inclusion in your official record, if you so desire.



Ray Mabius



THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

MAR 18 2011

From: Secretary of the Navy
To: CAPT John R. Dixon, USN

Subj: LETTER OF CENSURE

Ref: (a) USFF Command Investigation of 4 Feb 11
(b) JAGMAN 0114b

1. Reference (a) was convened for the purpose of determining the level of leadership involvement and oversight given to production of "XO Movie Night" videos onboard USS ENTERPRISE (CVN 65). The investigation concludes that while the majority of offensive videos were created and aired under your predecessor's tenure, you continued the practice of "XO Movie Night" and that at least three videos created after September 2007 contained offensive content, including sexually suggestive language and content.
2. Naval officers are held to the highest standards of personal conduct; the bar is particularly high for those hand-selected for the most senior leadership positions onboard the Nation's nuclear aircraft carriers. You were entrusted to lead the crew of ENTERPRISE, which includes holding yourself out as an example. You had the opportunity to make a clean break from the actions of your predecessor. While the investigation notes that the tone and content of the videos improved under your watch, the fact remains that you contributed to the problem by producing and airing at least three inappropriate videos. Accordingly, you are hereby censured for violation of expected standards of personal and professional behavior.
3. You may forward within 15 days of receipt of this letter a rebuttal consistent with reference (b), for inclusion in your official record, if you so desire.


Ray Mabus

Copy to:
CNO
USFF



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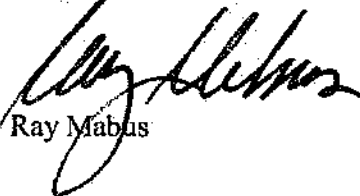
MAR 18 11

From: Secretary of the Navy
To: CAPT Owen P. Honors, USN

Subj: LETTER OF CENSURE

Ref: (a) USFF Command Investigation of 4 Feb 11
(b) JAGMAN 0114b

1. Reference (a) was convened for the purpose of determining the level of leadership involvement and oversight given to production of "XO Movie Night" videos onboard USS ENTERPRISE (CVN 65). The investigation concluded that you are the officer responsible for starting and perpetuating this practice. During your tenure as Executive Officer, you directly participated in the production of, and were prominently depicted in, at least 20 videos that contained offensive content. The crude behavior, sexually suggestive content, and profane and insulting language demonstrated in the videos are discrediting to you and to the Navy.
2. Naval officers are held to the highest standards of personal conduct; the bar is particularly high for those hand-selected for the most senior leadership positions onboard the Nation's nuclear aircraft carriers. You were entrusted to lead the crew of ENTERPRISE, which includes holding yourself out as an example. You knew your behavior would likely offend, and you were aware of concerns and complaints, yet the offensive content of your videos only increased. By your actions, you failed in your leadership responsibilities onboard ENTERPRISE. Accordingly, you are hereby censured for violation of expected standards of personal and professional behavior and for your profound lack of judgment.
3. You may forward within 15 days of receipt of this letter a rebuttal consistent with reference (b), for inclusion in your official record, if you so desire.


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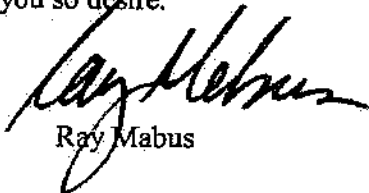
MAR 18 2011

From: Secretary of the Navy
To: RDML Ronald Horton, USN

Subj: LETTER OF CENSURE

Ref: (a) USFF Command Investigation of 4 Feb 11
(b) Art. 0802, U.S. Navy Regulations (1990)
(c) Manual of the Judge Advocate General, 0114

1. Reference (a) was convened for the purpose of determining the level of leadership involvement and oversight given to production of "XO Movie Night" videos onboard USS ENTERPRISE (CVN 65). The investigation concludes that at least twelve inappropriate videos were produced and aired to the crew of ENTERPRISE on your watch. These videos contained sexually suggestive content, profane and offensive language, and crude behavior.
2. You knew that your Executive Officers were producing and starring in videos of significant interest to the crew, and you bear ultimate responsibility for their airing. The investigation concludes that you were not personally aware of the specific nature and content of all of the skits; however, the Strike Group Commander informed you upon your reporting onboard that there had been problems with some previous "XO Movie Night" videos. Despite this, you did not take effective steps to understand precisely what was occurring or provide continuing oversight. Your responsibilities were significant, and ENTERPRISE achieved operational successes under your leadership; however, the fact that this state of affairs was allowed to persist as long as it did, and the videos to become as offensive as they were, represents a significant deviation from expected standards of good order and discipline. With respect to this issue, you did not display the vigilance and attention expected of Commanding Officers. In accordance with reference (b) and consistent with important traditions of the naval service, you are responsible and accountable for what occurred onboard ENTERPRISE. Accordingly, you are hereby censured for your failure of leadership and oversight.
3. You may forward within 15 days of receipt of this letter a rebuttal consistent with reference (c), for inclusion in your official record, if you so desire.


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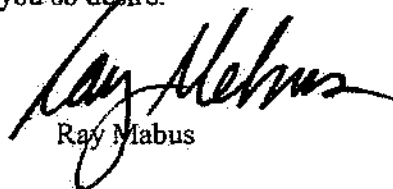
MAR 18 2011

From: Secretary of the Navy
To: RDML Lawrence S. Rice, USN

Subj: LETTER OF CENSURE

Ref: (a) USFF Command Investigation of 4 Feb 11
(b) Art. 0802, U.S. Navy Regulations (1990)
(c) Manual of the Judge Advocate General, 0114

1. Reference (a) was convened for the purpose of determining the level of leadership involvement and oversight given to production of "XO Movie Night" videos onboard USS ENTERPRISE (CVN 65). The investigation concludes that at least fourteen inappropriate videos were produced and aired to the crew of ENTERPRISE on your watch. These videos contained sexually suggestive content, profane and offensive language, and crude behavior.
2. You knew that your Executive Officer was producing and starring in videos of significant interest to the crew, and you bear ultimate responsibility for their airing. While the investigation concludes that you were not personally aware of the specific nature and content of all of the skits, you were aware that your Executive Officer had crossed the boundaries of appropriateness on at least two separate occasions. Despite this, you did not take effective steps to understand precisely what was occurring or provide continuing oversight. Your responsibilities were significant, and ENTERPRISE achieved operational successes under your leadership; however, the fact that this state of affairs was allowed to persist as long as it did, and the videos to become as offensive as they were, represents a significant deviation from expected standards of good order and discipline. With respect to this issue, you did not display the vigilance and attention expected of Commanding Officers. In accordance with reference (b) and consistent with important traditions of the naval service, you are responsible and accountable for what occurred onboard ENTERPRISE. Accordingly, you are hereby censured for your failure of leadership and oversight.
3. You may forward within 15 days of receipt of this letter a rebuttal consistent with reference (c), for inclusion in your official record, if you so desire.


Ray Mabus

Copy to:
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THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

NOV 17 2009

From: Secretary of the Navy

To: (b) (6)

Subj: SECRETARIAL LETTER OF CENSURE

Ref: (a) USMC Forces Central Command ltr 5812 Ser SJA
of 19 Jun 07
(b) JAGMAN 0114b

1. I reviewed reference (a), your report of non-judicial punishment, in connection with a larger review of the Hamdania cases.¹ This review showed that you fostered a command climate of disrespect for the decisions of higher authority and for the violent, unauthorized treatment of Iraqis while serving as 2nd Platoon Commander, Kilo Company, 3rd Battalion, 5th Marines. Reference (a) documents that you were personally involved in the abuse of Iraqi detainees, including ordering an enlisted Marine to perform a blood choke upon a detainee, and by placing a service pistol against the mouth of another detainee. The enlisted Marine you ordered to perform the blood choke was later convicted for the murder at issue in the Hamdania cases.² The personal example you set and the command climate fostered by your abysmal leadership directly contributed to the subsequent kidnapping and murder of an innocent Iraqi national.

2. Your actions are absolutely inconsistent with the core values of the United States Marine Corps and the standards expected of an Officer of Marines. Accordingly, in accordance with reference (b), you are hereby censured.

3. You may forward within 15 days of receipt of this letter a rebuttal consistent with reference (b), for inclusion in your official record, if you so desire.


Ray Mabus

¹ The Hamdania cases refer to the cases from 1st Squad, 2nd Platoon, Kilo Company, 3rd Battalion, 5th Marines, who participated in the brutal kidnapping and murder of an Iraqi citizen in Hamdania, Iraq in 2006.

² All eight of the Hamdania cases involved enlisted Marines serving under (b) (6)'s command at the time of the incident.



THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

FEB 16 2011

From: Secretary of the Navy

To: (b) (6) USN

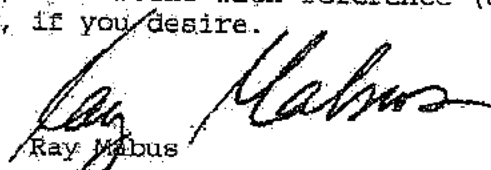
Subj: SECRETARIAL LETTER OF CENSURE

Ref: (a) Secretarial Letter of Censure of 21 Oct 09

(b) Assistant Secretary of the Navy (M&RA) Letter of 16 Feb 11

(c) JAGMAN 0114b

1. By issuance of this Secretarial Letter of Censure, I have rescinded reference (a). Reference (b) is the final endorsement on your retirement grade determination board that was directed subsequent to an investigation into alleged hazing and fraternization that took place at the Military Working Dog Division in Bahrain while you were the Leading Chief Petty Officer between 2004 and 2006. The Assistant Secretary of the Navy (Manpower & Reserve Affairs) determined that you met the minimum standard of satisfactory service for retirement in your current paygrade. However, I am compelled to note that during your tenure as the Leading Chief Petty Officer, Military Working Dog Division, Bahrain, your conduct was contrary to the Navy core values of Honor, Courage, and Commitment.
2. The investigation and subsequent retirement grade determination board revealed that as the Leading Chief Petty Officer, you set a poor example by engaging in conduct that clearly violates the Navy's prohibitions against hazing and fraternization. As a result of your poor example, your subordinates emulated this behavior by taking part in their own hazing activities, which created a workplace environment that failed to treat Sailors with dignity and respect. During this period you were serving in a critical leadership position and had the responsibility to conform your behavior and that of your personnel to Navy standards. In this, your conduct fell far below the high standards expected of an experienced Chief Petty Officer.
3. You are hereby censured for your involvement in hazing and fraternization, and your failure to effectively lead within the Military Working Dog Division. A copy of this letter will be placed in your official service record in accordance with reference (c).
4. You may forward within 15 days of receipt of this letter a rebuttal via the chain of command, consistent with reference (c), for inclusion in your official record, if you desire.


Ray Mabus



THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

SEP 16 2009

From: Secretary of the Navy

To: (b) (6), JAGC, USN (Retired)

Subj: SECRETARIAL LETTER OF CENSURE

Ref: (a) (b) (6), JA, USA, Report of Investigation
of 10 Apr 09
(b) (b) (6), JA, USA, Supplemental Report of
Investigation of 23 Jun 09
(c) (b) (6), JAGC, USN, Report of Ethics
Inquiry of 6 Jul 09
(d) JAGMAN 0114b

1. References (a), (b), and (c) constitute a thorough examination of the facts and circumstances surrounding the processing and review in the case of *United States v. Sergeant Brian Foster, U.S. Marine Corps*. These investigations established significant post-trial delays, including during the appellate review of this case.

2. The appellant was sentenced in December 1999. The case was docketed at the Navy-Marine Corps Court of Criminal Appeals (NMCCA) on or about 27 November 2001, and after briefing by appellate counsel was sent to a panel of the NMCCA on or about 15 September 2004. You were assigned as the lead judge, and were responsible for the case until your retirement in late January or February 2006. On 17 February 2009, the NMCCA dismissed the appellant's conviction and set aside the findings and sentence. The appellant was released after serving more than nine years in confinement.

3. The NMCCA opinion, issued by a panel of two Navy judges and one Marine judge, placed the responsibility for much of the delay on the court's own inaction. "[T]he bulk of delay in this case is attributable to the manner in which this court failed to properly advance this litigation. The delay incurred by this court's ineffective action amounts to nothing less than judicial negligence." The Chief Judge echoed the same concern in his concurring opinion: "delay of this nature represents a failure in the performance of our duty to provide . . . [timely] appeal of right."

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4. Several aspects of your conduct with respect to the Foster case are cause for particular concern. First, references (a) through (c) show that while assigned as lead judge for approximately 17 months you took little or no action toward consideration of the appeal. Although you had a contract paralegal prepare a case brief, it does not appear that you conducted a thorough review of the record or noted the appellant's time in confinement as a matter of concern. Second, despite not being assigned new cases during the last several months of your tour to allow completion of your remaining cases, as your retirement approached you did not notify the Chief Judge or the Senior Judge which cases would not be completed prior to your retirement. Finally, you detached from NMCCA without ensuring a number of your cases were turned over to new lead judges or notifying the supervisory judges that one of your cases involved an appellant who had already served more than six years in confinement.

5. Your lack of attention to this case was the primary contributing factor to the egregious post-trial delay. In reference (a), the investigating officer identified you as the single most culpable actor and concluded that your actions with respect to the case constituted negligent dereliction of duty. There were factors clearly indicating a more expeditious review was required, in particular the confined status of the appellant and the date of his conviction.

6. Navy leadership relied upon your diligence as an appellate judge to ensure the appellant's appeal of right and due process. Delay of this nature represents a failure in the performance of your duty and was detrimental to the Navy's institutional credibility in the proper administration of military justice. Accordingly, in accordance with reference (d), you are hereby censured, and this letter will become part of your official record.

7. You may forward within 15 days of receipt of this letter a rebuttal, consistent with reference (d), for inclusion in your official record if you so desire.


Ray Mabius